

## **Development Consent**

### ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Glenn Snow  
**Acting Executive Director**  
**Infrastructure Assessments**

Sydney

16 July 2020

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | SSD 10260                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Applicant:</b>          | The Trustee for Anglo Australian Christian and Charitable Trust                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Consent Authority:</b>  | Minister for Planning and Public Spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Site:</b>               | No. 211 Pacific Highway, St Leonards (Lot 101 DP 791327)<br><br>Lot 101 DP 11911604 (The Avenue) and Lot 7083 DP93642 (Gore Hill Park public carpark) - for vehicular / pedestrian access and drop-off / pick-up zone only                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Development:</b>        | <p>Use of an existing building as a new school (International Chinese School), for up to 160 students (Kindergarten – Year 6) and associated works in three stages, including:</p> <ul style="list-style-type: none"><li>• construction of a one-way vehicular loop road within The Avenue to accommodate a drop-off / pick-up zone for five vehicles;</li><li>• construction of three car parking spaces and modifications to the entry/exit within the public carpark of Gore Hill Park;</li><li>• construction of a deceleration lane on the Pacific Highway and the entry to the public carpark adjoining Gore Hill Park;</li><li>• landscaping, planting, security fencing and pathways; and</li><li>• school building identification signage.</li></ul> |

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

| Application Number | Determination Date | Decider                                        | Modification Description                                                                                                                                  |
|--------------------|--------------------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| SSD-10260-Mod-1    | 21 July 2021       | Team Leader, School Infrastructure Assessments | Increased school population from 63 to 74 students in the interim stages of the development                                                               |
| SSD-10260-Mod-2    | 17 December 2021   | Team Leader, School Infrastructure Assessments | Increased school population from 74 to 88 students in the interim stages of the development and extended timeframe to complete Stage 2 and Stage 3 works. |

# CONSOLIDATED CONSENT

## DEFINITIONS

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Aboriginal object</b>          | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Aboriginal place</b>           | Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Accredited Certifier</b>       | Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Advisory Notes</b>             | Advisory information relating to the consent but do not form a part of this consent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Applicant</b>                  | The Anglo Australian Christian and Charitable Trust or any other person carrying out any development to which this consent applies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>BCA</b>                        | Building Code of Australia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>BC Act</b>                     | <i>Biodiversity Conservation Act 2016</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>CEMP</b>                       | Construction Environmental Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Certifier</b>                  | Means a council or accredited certifier                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Cemetery</b>                   | Gore Hill Memorial Cemetery                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Conditions of this consent</b> | The conditions contained in Schedule 2 of this document                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Construction</b>               | <p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EESG or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p> |
| <b>Council</b>                    | Willoughby City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Day</b>                        | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Demolition</b>                 | The deconstruction and removal of buildings, sheds and other structures on the site                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Department</b>                 | NSW Department of Planning, Industry and Environment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Development</b>                | The development described in the EIS, Response to Submissions (RtS) and Supplementary RtS, including operation of the International Chinese School and associated works, as modified by the conditions of this consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Earthworks</b>                 | Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>EESG</b>                       | Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## CONSOLIDATED CONSENT

|                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EIS</b>                                          | Environmental Impact Statement for SSD 10260 211 Pacific Highway St Leonards, International Chinese School, prepared by Ethos Urban and dated 29 August 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application                                                                                                                                                                                                                                                                                                  |
| <b>ENM</b>                                          | Excavated Natural Material                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Environment</b>                                  | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>EPA</b>                                          | NSW Environment Protection Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>EP&amp;A Act</b>                                 | <i>Environmental Planning and Assessment Act 1979</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>EP&amp;A Regulation</b>                          | Environmental Planning and Assessment Regulation 2000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Evening</b>                                      | The period from 6pm to 10pm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Feasible</b>                                     | Means what is possible and practical in the circumstances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>GTP</b>                                          | Green Travel Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Heritage</b>                                     | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Heritage NSW</b>                                 | Heritage, Community Engagement of the Department of Premier and Cabinet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Heritage Item</b>                                | A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the Heritage Act 1977 (NSW), a state agency heritage and conservation register under section 170 of the Heritage Act 1977 (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the National Parks and Wildlife Act 1974 (NSW). |
| <b>ICS</b>                                          | International Chinese School                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Incident</b>                                     | An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance<br><i>Note: “material harm” is defined in this consent</i>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Independent Audit Post Approval Requirements</b> | Independent Audit Post Approval Requirements as available on the Department’s website                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Land</b>                                         | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Management and mitigation measures</b>           | The management and mitigation measures set out in Section 9 of the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Material harm</b>                                | Is harm that: <ol style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ol>                                                                                                                |
| <b>Minister</b>                                     | Minister for Planning and Public Spaces (or delegate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Mitigation</b>                                   | Activities associated with reducing the impacts of the development prior to or during those impacts occurring                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## CONSOLIDATED CONSENT

|                                |                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Monitoring</b>              | Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act                                                                                                                                                                                                                                                                            |
| <b>Night</b>                   | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays                                                                                                                                                                                                                                                                                        |
| <b>Non-compliance</b>          | An occurrence, set of circumstances or development that is a breach of this consent                                                                                                                                                                                                                                                                                                      |
| <b>OMP</b>                     | Operational Management Plan                                                                                                                                                                                                                                                                                                                                                              |
| <b>Operation</b>               | The carrying out of the approved purpose of the development upon completion of construction.                                                                                                                                                                                                                                                                                             |
| <b>OTAMP</b>                   | Operational Traffic and Access Management Plan                                                                                                                                                                                                                                                                                                                                           |
| <b>Planning Secretary</b>      | Planning Secretary under the EP&A Act, or nominee                                                                                                                                                                                                                                                                                                                                        |
| <b>POEO Act</b>                | <i>Protection of the Environment Operations Act 1997</i>                                                                                                                                                                                                                                                                                                                                 |
| <b>Public carpark</b>          | Lot 7083 DP93642 (Gore Hill Park public carpark)                                                                                                                                                                                                                                                                                                                                         |
| <b>Reasonable</b>              | Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.                                                                                                                                                                       |
| <b>Rehabilitation</b>          | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.                                                                                                                                                                                                                                                                |
| <b>Response to submissions</b> | The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.                                                                                                                                                                                                                                     |
| <b>ROW</b>                     | Right-of-way                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Sensitive receivers</b>     | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.                                                                                                                                                                                                                                                |
| <b>Site</b>                    | The land defined in Schedule 1                                                                                                                                                                                                                                                                                                                                                           |
| <b>Site Auditor</b>            | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>                                                                                                                                                                                                                                                                                                              |
| <b>Site Audit Report</b>       | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>                                                                                                                                                                                                                                                                                                              |
| <b>Site Audit Statement</b>    | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>                                                                                                                                                                                                                                                                                                              |
| <b>SRtS</b>                    | Supplementary Response to Submissions                                                                                                                                                                                                                                                                                                                                                    |
| <b>TfNSW</b>                   | Transport for New South Wales                                                                                                                                                                                                                                                                                                                                                            |
| <b>AACCT Limited</b>           | The Trustee for Anglo Australian Christian & Charitable Trust                                                                                                                                                                                                                                                                                                                            |
| <b>Upgrading</b>               | The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of the following maintenance works: <ul style="list-style-type: none"> <li>• public domain works</li> <li>• stormwater infrastructure works</li> </ul> |
| <b>VENM</b>                    | Virgin Excavated Natural Material                                                                                                                                                                                                                                                                                                                                                        |
| <b>Waste</b>                   | Has the same meaning as the definition of the term in the Dictionary to the POEO Act                                                                                                                                                                                                                                                                                                     |
| <b>Year</b>                    | A period of 12 consecutive months                                                                                                                                                                                                                                                                                                                                                        |

# CONSOLIDATED CONSENT

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, Response to Submissions (RtS) and Supplementary Response to Submissions (SRtS);
  - (d) in accordance with the approved plans in the table below:

| Architectural Plans prepared by Stanton Dahl |     |                                 |            |
|----------------------------------------------|-----|---------------------------------|------------|
| Dwg No.                                      | Rev | Name of Plan                    | Date       |
| SSD01                                        | 9   | Site Plan                       | 1/05/2020  |
| SSD02                                        | 6   | Basement Floor Plan             | 1/05/2020  |
| SSD03                                        | 7   | Ground Floor Plan               | 1/05/2020  |
| SSD04                                        | 5   | First Floor Plan                | 26/06/2019 |
| SSD05                                        | 3   | Furniture Layout - Ground Floor | 26/06/2019 |
| SSD06                                        | 3   | Furniture Layout - First Floor  | 26/06/2019 |
| SSD07                                        | 3   | Elevations Sheet 01             | 26/06/2019 |
| SSD08                                        | 3   | Elevations Sheet 02             | 26/06/2019 |
| SSD09                                        | 4   | Sections & Signage Details      | 13/12/2019 |
| Landscape Plans prepared by Inview Design    |     |                                 |            |
| Dwg No.                                      | Rev | Name of Plan                    | Date       |
| Sheet L01                                    | 1   | Overall Site Plan               | 12/06/2019 |
| Sheet L02                                    | 1   | Landscape Strategy Plan         | 12/06/2019 |
| Sheet L03                                    | 1   | Landscape Plan and Details      | 12/06/2019 |
| Sheet L04                                    | 1   | Tree Protection Drawing         | 12/06/2019 |

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

# CONSOLIDATED CONSENT

## Limits of Consent

- A5. The consent will lapse 5 years after the date of the development consent.
- A6. The operation of the International Chinese School (ICS) at 211 Pacific Highway, St Leonards (Lot 101 DP 791327) for the purpose of the International Chinese School (ICS) and the use of the Gore Hill Park public carpark at Lot 7083 DP93642 (public carpark) must be in accordance with the terms of the Deed of Agreement between the Council and Anglo Australian Christian and Charitable Trust Limited (AACCT Limited) including any short-term Licence attached to the Deed.
- A7. No construction works or operational activities related this development consent can commence on the Site until a copy of the signed Deed of Agreement between the Council and AACCT Limited and a copy of the short-term Licence to use the public carpark is provided to the Planning Secretary for information.

## Licence renewal

- A8. The short-term Licence for use of the public carpark must be renewed / or a new Licence issued by Council every 12 months following commencement of operation of the ICS on 211 Pacific Highway, St Leonards. Written evidence of the renewal of the Licence / issue of a new Licence must be submitted to the Planning Secretary for information, within one month of receiving the document from Council.

## Ceasing Use

- A9. The use of 211 Pacific Highway, St Leonards (Lot 101 DP 791327) as the ICS must cease if access to the site from the public carpark cannot be provided at any point in time due to the future redevelopment of Gore Hill Park or the expiry of the short-term Licence for access to the public carpark.
- A10. The proposed student drop-off / pick-up zone on the Avenue, as listed in the approved plans in condition A2, must be completed within six months of commencement of operation of the ICS. The use of the premises as a school must cease if the drop-off / pick zone and associated internal works within the public carpark are not completed within this time, unless otherwise agreed by the Planning Secretary.

## Student and Staff Numbers

- A11. Prior to the student numbers at ICS exceeding **88** students or **by 30 May 2022**, unless otherwise agreed by the Planning Secretary, a deceleration lane, removal of driveway crossing, and associated pedestrian fencing and footpath, as identified in the plans listed in condition A2, must be constructed with appropriate approvals obtained from Transport for NSW (TfNSW) and Council (where applicable) and be operational.
- A12. Evidence of all approvals and completion of the works identified in condition A11 must be submitted to the satisfaction of the Planning Secretary within one month of completion of those works.
- A13. Following written confirmation from the Planning Secretary that the deceleration lane and associated roadworks have been satisfactorily completed and are operational (as required by condition A11, the student population and associated full time equivalent (FTE) staff numbers may be increased to a maximum of:
  - (a) 160 students (Kindergarten - Year 6);
  - (b) a maximum of 15 FTE staff on any given day; and
  - (c) up to 25 students attending the out-of-school hours (OOSH) program.

## Use of the landscaped area

- A14. To ensure that appropriate acoustic amenity is provided to the students and staff of the ICS, this consent does not allow the use of the landscape area in front of the existing building fronting Pacific Highway (as identified in the landscape plans listed in condition A2), for the purpose of use as a play area or during recess / lunch times, by the students of ICS.

## CONSOLIDATED CONSENT

Alternate areas within the site are to be identified for the purpose of students play / sitting areas, as required by condition C6 and used during recess times, being 1:50pm to 2:10pm on weekdays of school term.

### Prescribed Conditions

A15. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### Planning Secretary as Moderator

A16. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

### Evidence of Consultation

- A17. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### Staging

- A18. The commencement of construction works and operation of the Site as ICS must be undertaken in accordance with the following stages:
- (a) Stage 1 – use of the existing building as ICS with a maximum of **88** students, completion of landscaping, fencing and signage within 211 Pacific Highway, St Leonards;
  - (b) Stage 2 – Within **12** months of commencement of Stage 1 completion of drop-off / pick-up zone within The Avenue and operation of this area including completion of all works within the public carpark, unless an alternate timing is agreed by the Planning Secretary; and
  - (c) Stage 3 – **By 30 May 2022** or prior to student numbers exceeding **88**, completion of the deceleration lane and associated works, unless an alternate timing is agreed by the Planning Secretary.

### Staging, Combining and Updating Strategies, Plans or Programs

- A19. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

## CONSOLIDATED CONSENT

- A20. Any strategy, plan or program prepared in accordance with condition A19, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A21. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A22. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

**Notes:**

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

### Applicability of Guidelines

- A23. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A24. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### Monitoring and Environmental Audits

- A25. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

### Access to Information

- A26. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and

## CONSOLIDATED CONSENT

- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### Compliance

- A27. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### Incident Notification, Reporting and Response

- A28. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A29. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

### Non-Compliance Notification

- A30. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A31. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A32. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Independent Environmental Audit

- A33. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to commencement of an Independent Audit.
- A34. Independent Audits of the development must be conducted post operation of the development and carried out in accordance with the Independent Audit Post Approval Requirements unless otherwise specified by the conditions of this consent.
- A35. Table 1 of the Independent Audit Post Approval Requirements, is amended so that the Independent Audit Schedule frequency of Independent Audits required in the operational phase is:
- (a) An initial operational Independent Audit must be undertaken within three months of the notified commencement date of operation; and
  - (b) A subsequent operational Independent Audit must be undertaken no later 3 months of student numbers exceeding **88**.
- A36. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- A37. In accordance with the specific requirements in the Independent Audit Post Approval requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition A34 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- A38. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements, unless otherwise agreed by the Planning Secretary.

## CONSOLIDATED CONSENT

A39. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

### Revision of Strategies, Plans and Programs

A40. Within three months of:

- (a) the submission of an incident report under condition A28;
- (b) the submission of an Independent Audit under condition A34;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

A41. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary and / or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

# CONSOLIDATED CONSENT

## PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### Paving Details

- B1. Prior to the issue of the construction certificate for proposed paving on The Avenue, a detailed plan of the paving must be submitted to the Certifier for approval. The plans must:
- (a) be prepared in consultation with Council and be consistent with the *Civil Engineering Pavement Details*, prepared by Birzulis Associates, dated 9 December 2019;
  - (b) include permeable pavers to ensure the protection of the root zone of nearby trees;
  - (c) include a colour and material in keeping with the 1970s red brick pavers of The Avenue and the red bricks of the spoon drain and low brick wall; and
  - (d) include removable bollards within the drop-off / pick-up zone to allow for continuous vehicular movement along the entirety of The Avenue where vehicular access through the Gore Hill Memorial Cemetery (Cemetery) is required.

### Roadworks - Deceleration Lane

- B2. Separate construction certificate application(s) under section 138 of the *Roads Act 1993*, are required to be submitted with relevant roads authority (Council or TfNSW where applicable) to obtain approval for the road works outside the boundary of the site.
- B3. Prior to the issue of the construction certificate for the removal of redundant driveway crossing, reinstatement of kerb and gutter and the construction of the deceleration lane on Pacific Highway the Applicant must submit the following to the TfNSW for approval:
- (a) detailed design plans for the works, in accordance with the plans listed in condition A2 and the requirements of TfNSW, AUSTROADS and other relevant Codes of Practices;
  - (b) design plans for the removal of the driveway crossing on The Avenue and the reinstatement of the nature strip, kerb and gutter, prepared in consultation with Council (to comply with the Site's heritage values);
  - (c) design plans for the realigned pedestrian pathway along the Pacific Highway;
  - (d) design plans converting the realigned pedestrian path to a raised pedestrian crossing at the front of the public carpark fence (at the vehicular entry to the site);
  - (e) details of retention of vehicular and pedestrian access to the public carpark during the construction of the deceleration lane; and
  - (f) evidence that the plans have been certified by a suitably qualified practitioner.

**Note:** all plans and documentation are required to be submitted to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

### Pedestrian fence on Pacific Highway

- B4. The design plans for a pedestrian fence along the kerb line of the Site's frontage must be submitted to TfNSW for approval, prior to the issue of the relevant construction certificate for this fence in Stage 3.

### Works within the Public Carpark

- B5. Prior to the issue of the construction certificate for works within the public carpark (Lot 7083 DP93642 Gore Hill Park public carpark) detailed design plans are to be prepared by a suitably qualified person(s) and approved by Council. The plans must demonstrate that:
- (a) the manoeuvrability of the longest vehicle through the public carpark, and the swept path of the longest vehicle entering / exiting the site comply with AS 2890.2 – 2018;
  - (b) all proposed car parking areas comply with AS2890.1-2004 and AS2890.6-2009 (as relevant) and specifications (AUS-SPEC); and
  - (c) details of retention of access to the public carpark during the construction works.

### Works within the Avenue

- B6. Prior to the issue of the construction certificate for works within the drop-off / pick-up zone in The Avenue detailed design plans must demonstrate that:

## CONSOLIDATED CONSENT

- (a) the manoeuvrability of the longest vehicle accessing the zone complies with AS 2890.2 – 2018; and
- (b) car parking areas comply with AS2890.1-2004 and AS2890.6-2009 (as relevant).

FOR INFORMATION

# CONSOLIDATED CONSENT

## PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- C1. The Applicant must notify the Planning Secretary and Council in writing of the dates of intended commencement of construction at least 48 hours before those dates.
- C2. If the construction and operation of the development is to be staged, the Planning Secretary and Council must be notified in writing at least 48 hours before the commencement of each stage, of the intended date of commencement and the development to be carried out in that stage.

### Protection of Public Infrastructure

- C3. Prior to the commencement of any works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report, identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) including but not limited to:
    - (i) include a section on the public carpark extending a distance of 50 metres (m) from the proposed works;
    - (ii) include details of the existing condition of the public carpark within the distance identified in condition C3(a)(i); and
    - (iii) include details and digital photographs of any existing damages within the public carpark or adjoining public infrastructure.
  - (c) submit a copy of the dilapidation report to the Certifier and Council.

**Note:** The Applicant may be held liable for any damage to public infrastructure where any existing damage has not been accurately recorded prior to the commencement of works.

### Pre-Construction Dilapidation Report

- C4. Prior to the commencement of any works, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of all adjoining private properties, and Council assets that are likely to be impacted by the proposed works. The dilapidation report must include (but not be limited to):
- (a) include details of the existing conditions the section of the Cemetery immediately adjoining the Site; and
  - (b) include details of the existing condition of The Avenue in the immediate vicinity of the proposed works.

### Unexpected Contamination Procedure

- C5. Prior to the commencement of any works, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C17 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

### Amended Landscape Strategy

- C6. Prior to the commencement of landscaping works on the Site, an amended Landscape Plan must be submitted to the Certifier for approval. The plan must include:
- (a) deletion of the play area, outdoor learning pods and seating on the southeast side of the building adjacent to the Pacific Highway in accordance with the restriction on the use of this area by students as required by condition A14;
  - (b) details of an alternate location for the play area within the open space located between the existing building (adjoining the existing balcony) and The Avenue, which can be used by the students of ICS students at recess times; and
  - (c) details of landscaping and access to this area so that it can be used by the students.

## Community Communication Strategy

- C7. No later than two weeks before the commencement of construction of the drop-off / pick-up zone and the works within the public carpark including the vehicular loop road, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases including (but not limited to) other visitors to the site and the Gore Hill Park;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

## Stormwater Management System

- C8. Prior to the commencement of any works, evidence must be submitted to the Certifier to demonstrate that no additional stormwater management works are required within the site, The Avenue or the public carpark, to commence of operation of the development.
- C9. Prior to commencement of works in relation to Stage 3 comprising proposed removal of driveway crossing, kerb and guttering, construction of decelerating lane and pedestrian fence, detailed design plans and hydraulic calculations for any additional works / changes to the existing stormwater management / drainage works must be submitted to TfNSW for approval.

**Note 1:** all plans and documentation are required to be submitted to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

**Note 2:** A plan checking fee will be payable to TfNSW and a performance bond needed prior to the issue of the approval by TfNSW.

- C10. Notwithstanding condition C8, any additional stormwater management works or amendments to the disposal system for the Site (including The Avenue and the public carpark), needed to facilitate this development, must be designed to the satisfaction of the Certifier, prior to the commencement of construction works. The system must:
- (a) be designed by a suitably qualified and experienced civil engineer;
  - (b) be in accordance with applicable Australian Standards and Part C.5 of Council's Development Control Plan and Technical Standards; and
  - (c) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

## Car Parking and Service Vehicle Layout

- C11. Prior to the commencement of construction of the drop-off / pick-up zone within The Avenue evidence of compliance with the following requirements must be submitted to the Certifier:

## CONSOLIDATED CONSENT

- (a) the layout of the proposed car parking spaces (including driveways, turning paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) comply with the latest version of AS2890.1, AS2890.6 and (where relevant);
- (b) the swept path of the longest vehicle (including garbage trucks and buses) entering and exiting the drop-off / pick-up zone in The Avenue in association with the new work, as well as manoeuvrability through The Avenue and public carpark, are in accordance with the latest version of AS 2890.2;
- (c) all relevant applications have been made and approvals obtained from Council in relation to vehicular manoeuvrability through the public carpark; and
- (d) any safety design measures catering to the shared vehicles and pedestrian access, have been included in the design.

### Works within the public carpark

- C12. Prior to the commencement of works within the public carpark (including provision of the three car spaces within the public carpark), a copy of the design plans, evidence of consultation and relevant approvals from Council must be provided to the Certifier for information.
- C13. Prior to the commencement of works within The Avenue, evidence of any approvals from Council (if relevant) in relation to those works must be submitted to the Certifier.

### Fencing

- C14. Prior to the commencement of works in relation to the proposed perimeter fencing on the Site, the detailed design of the new perimeter fence around the entire site must be submitted to the satisfaction of the Certifier. The fence must:
  - (a) be of the open palisade style with a minimum height of 2.1m and design, consistent with the details provided in the drawings listed in condition A2;
  - (b) be setback from the boundary in accordance with plans listed in condition A2, to minimise impacts on existing vegetation along the periphery and reduce its visibility from the public domain; and
  - (c) include a colour and texture that is compatible with the heritage values of the Cemetery.

### Outdoor Lighting

- C15. Prior to the installation of any outdoor lighting for any stage of the development, evidence must be submitted to the satisfaction of the Certifier to demonstrate that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### Environmental Management Plan Requirements

- C16. Management plans required under this consent must be prepared in accordance with relevant guidelines (including but not limited to relevant Council guidelines), and include:
  - (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development;
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;

## CONSOLIDATED CONSENT

- (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
  - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
  - (ii) complaint;
  - (iii) failure to comply with statutory requirements; and
- (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

**Note:** The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

### Construction Environmental Management Plan

- C17. Prior to the commencement of construction in Stage 1, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary and Council for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) materials excavated and removed from the site classified in accordance with EPA Waste Classification Guidelines prior to disposal to NSW approved landfill site;
    - (vi) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (viii) community consultation and complaints handling;
  - (b) interim management / mitigation measures (including timing of construction) to be implemented while the drop-off / pick-up zone in The Avenue, the vehicular access loop road and public carpark are undertaken concurrently with the operation of the school within 211 Pacific Highway, St Leonards;
  - (c) Construction Waste Management Sub-Plan (see condition C20);
  - (d) Construction Soil and Water Management Sub-Plan (see condition C21);
  - (e) an unexpected finds protocol for Aboriginal and non-Aboriginal (historic) heritage and associated communications procedure; and
  - (f) waste classification (for materials to be removed) and validation (for materials to remain) of site to confirm the contamination status in these areas of the site.
- C18. The CEMP (including the Sub-Plans) must be updated at each of the following stages of work to reflect the additional scope of works and associated management / mitigation measures:
- (a) prior to the commencement of construction of the drop-off / pick-up zone within The Avenue, the vehicular access loop road and associated works within the public carpark; and
  - (b) construction of the deceleration lane and associated works.
- C19. The Applicant must not commence construction until the CEMP is approved by the Certifier. The updated CEMP as required by condition C18 must be submitted to the Certifier for approval.

## CONSOLIDATED CONSENT

- C20. The Construction Waste Management Sub-Plan (CWMSMP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- C21. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-Site flows from the Site; and
  - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI.

### Construction Traffic and Pedestrian Management Plan

- C22. Prior to the commencement of construction of the drop-off / pick-up zone within The Avenue and the public carpark, a Construction Traffic and Pedestrian Management Plan (CTPMP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (c) be consistent with the recommendations regarding construction traffic management within *Updated Parking and Traffic Impact Assessment* prepared by Stanbury Traffic Group dated April 2020;
  - (d) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (e) detail heavy vehicle routes, access and parking arrangements, and any associated traffic control measures needed; and
  - (f) detail how access is to be retained from the Pacific Highway into the public carpark and through to The Avenue at all times during any construction works.
- C23. The CTMP must be prepared in consultation with Council and TfNSW and be approved by the Planning Secretary prior to commencement of the construction of the works within The Avenue and the public carpark.
- C24. Prior to the commencement of works in relation to removal of driveway crossing, pedestrian fence, deceleration lane and pedestrian footpath, the CTMP must be updated in consultation with TfNSW, to include the scope of those works and any additional requirements. The updated CTMP must be submitted to the Planning Secretary for information with evidence of consultation with TfNSW.

### Construction Worker Transportation Strategy

- C25. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier, detailing the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

## CONSOLIDATED CONSENT

### Construction Noise and Vibration Management Plan

- C26. Prior to the commencement of construction of the drop-off / pick-up zone within The Avenue and the public carpark, a Construction Noise and Vibration Management Plan (CNVMP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition C26(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C26(c). The program should be developed with reference to the recommendations made in the *Noise and Vibration Impact Assessment* Revision 1, prepared by Acoustic Logic and dated 26 June 2019.
- C27. The CNVMP required by condition C26 must be updated to the satisfaction of the Certifier, prior to the commencement of works for the deceleration lane and associated works on the Pacific Highway.

### Tree Protection

- C28. Prior to the commencement of construction commencement of construction for the driveway works and drop-off / pick -up zone, a suitably qualified AQF Level 5 Arborist must be appointed as the Project Arborist must be appointed by the Applicant. Evidence of appointment of the Arborist must be provided to the Certifier.
- C29. Prior to the commencement of construction for the driveway works and drop-off / pick -up zone in The Avenue, tree protection zones must be implemented in accordance with the *Tree Management Plan* in Appendix 6 of the *Tree Impact Assessment report*, prepared by Mark Bury Consulting dated 10 May 2019 and under the supervision of the Project Arborist. The Project Arborist must certify the installation of the tree protection measures.

# CONSOLIDATED CONSENT

## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Existing building on Site

- D3. The portions of the existing building on the Site, identified for retention in the approved plans in condition A2, must not be damaged during construction works. All works must cease immediately if the any damage occurs to the existing building, and Council must be notified immediately. No works will resume until written approval is obtained from Council

### Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving, and similar activities (if any) may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm, Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

# CONSOLIDATED CONSENT

## Construction Traffic

- D9. All construction vehicles are to be contained wholly within the site, and vehicles must enter the site before stopping. No construction zones are to be provided on Pacific Highway.
- D10. Construction workers are to access the Site in accordance with the approved Construction Worker Transportation Strategy.

## Hoarding Requirements

- D11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.
  - (c) Temporary site fencing is to be provided to protect the public located at the perimeter of the works in accordance with Council requirements. Evidence of Council's agreement to the site fencing shall be submitted to the Certifier.

## No Obstruction of Public Way and Public Carpark

- D12. The public way (outside of any approved construction works zone), the public carpark must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- D13. Public access for pedestrians and vehicles from the Pacific Highway to both the public carpark and The Avenue must be unobstructed at all times during any construction works in association with this development consent.
- D14. The area designated for the parking and turning of the minibus, during the first six months of operation, must be available for this use on all school days until the time that the final drop-off / pick-up zone is operational.
- D15. The construction works in relation to the drop-off / pick-up zone within The Avenue or the public carpark must not obstruct the min-bus movements, parking or turning within the Site and The Avenue.

## Construction Noise Limits

- D16. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP (condition C26).
- D17. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site outside of the construction hours of work outlined under condition D4.
- D18. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

## Vibration Criteria

- D19. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D20. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D19.

## CONSOLIDATED CONSENT

D21. The limits in conditions D19 and D20 apply unless otherwise outlined in a CNVMP, approved as part of the CEMP required by condition C17 of this consent.

### Tree Protection

D22. The excavation and construction works associated with the driveway and drop-off / pick-up zone in The Avenue must be conducted under the supervision of the Project Arborist in accordance with the *Tree Management Plan* in Appendix 6 of the *Tree Impact Assessment Report* prepared by Mark Bury Consulting dated 10 May 2019.

D23. No trees within Gore Hill Park are to be trimmed or removed without prior written approval from Council except in an emergency to avoid the loss of life or damage to property.

D24. No tree roots over 50mm in diameter are to be damaged or cut due to works associated with this development. Alternate construction methods (such as bridging over the roots) must be proposed and conducted under the supervision of the Project Arborist, for works within stipulated tree protection zones.

D25. No trees within the Site must be damaged during the internal landscaping and fencing works within 211 Pacific Highway St Leonards.

### Air Quality

D26. During construction, the Applicant must ensure that all reasonable steps are undertaken to minimise dust generation, including (but not limited to) ensuring that:

- (a) exposed surfaces and stockpiles are suppressed by appropriate mitigation techniques;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### Erosion and Sediment Control

D27. All erosion and sediment control measures must be maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with those approved under the CSWMSP (condition C21).

### Imported Fill

D28. The Applicant must:

- (a) ensure that any imported soil (for fill) brought onto the site comprise VENM, ENM, or other material approved in writing by Environmental Protection Authority (EPA);
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

### Unexpected Finds Protocol – Aboriginal Heritage

D29. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Environment, Energy and Science Group of the Department of Planning, Industry and Environment (EESG) and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EESG to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EESG.

## CONSOLIDATED CONSENT

### Aboriginal Archaeology

- D30. During the construction of the drop-off / pick-up zone and the associated driveway and vehicular loop road works, Aboriginal archaeological monitoring must be undertaken in the impacted area by a suitably qualified representative in conjunction with a representative of the Metropolitan Local Aboriginal Land Council, in accordance with the recommendations in the *Aboriginal Cultural Heritage Report*, prepared by Coast History and Heritage, dated August 2019.
- D31. The location of any collected stone artefacts must be recorded, and each artefact individually recorded and catalogued by a suitably qualified consultant, in accordance with *Requirement 26 'Stone artefact deposition and storage' of the OEH 2010 Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.
- D32. In the event of discovery of Aboriginal objects or bones suspected of being human are identified during construction, site workers must:
- (a) not further disturb or move these remains;
  - (b) immediately cease all work at the location;
  - (c) in the case of suspected human remains only, notify NSW Police Force; and
  - (d) in the case of Aboriginal objects, notify *Coast History & Heritage* (or any other suitably qualified person) and the Metropolitan Local Aboriginal Land Council to organise recording and collection of the objects.
- D33. The management of collected Aboriginal archaeological remains (if any) must be undertaken in accordance with the recommendations of the *Aboriginal Cultural Heritage Report*, prepared by Coast History and Heritage, dated August 2019.

### Unexpected Finds Protocol – Historic Heritage

- D34. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.
- D35. As a result of unexpected find discovery of significant archaeological relics, the Heritage, Community Engagement of the Department of Premier and Cabinet (Heritage NSW) must be notified in accordance with section 146 of the *Heritage Act 1977* (NSW); and

### Waste Storage and Processing

- D36. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D37. All waste generated during construction must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).

### Stockpiling

- D38. No building materials are to be stockpiled within The Avenue or the public carpark at any time during construction.

### Outdoor Lighting

- D39. The Applicant must ensure that all external lighting during construction works are installed and maintained in accordance with *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*.

### Road Opening Permit

- D40. Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by the relevant road authority (Council or TfNSW) as required under Sections 138 and 139 of the *Roads Act 1993*.

## CONSOLIDATED CONSENT

### Storage Public Areas

D41. Building materials, plant and equipment and builders waste including bins or skips are not to be placed or stored in the public carpark of The Avenue.

### Cost of works

D42. The Applicant must pay in full for:

- (a) all works within the public carpark required to facilitate vehicular access on to The Avenue; and
- (b) all external roadworks associated developments.

### Relocation / adjustment of utilities

D43. The Applicant shall be responsible for all public utility adjustment/relocation works, required for the roadworks and as required by the relevant public utility authority and/or agent.

# CONSOLIDATED CONSENT

## PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION

### Notification of Occupation

- E1. At least one week before commencement of operation of Stage 1, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing.
- E2. At least one week prior to the commencement of operation of the deceleration lane, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Staging

- E3. The occupation of the Site and operation as ICS must be undertaken in phases in accordance with condition A18. Prior to commencement of operation of each subsequent, all relevant conditions of consent applicable to that Stage must be complied with.

### Occupation Certificate for the existing building

- E4. Prior to the commencement of operation of Stage 1, evidence must be provided to the satisfaction of the Certifier demonstrating that the works for alternations and internal fitout of the existing building at 211 Pacific Highway, St Leonards (pursuant to DA-301/2014 as modified) have been completed and a final occupation certificate has been obtained for the building.

### Works within the site

- E5. Prior to commencement of operation of Stage 1, the following works must be completed within 211 Pacific Highway and necessary approvals obtained to the satisfaction of the Certifier:
  - (a) internal fit-out for the existing building;
  - (b) all internal landscaping works and creation of the outdoor open space areas;
  - (c) perimeter fencing works; and
  - (d) installation of the two signs.

### Interim drop-off / pick-up arrangements

- E6. Prior to the commencement of operation of Stage 1, an interim drop-off / pick-up management plan is required to be prepared to the satisfaction of the Certifier and a copy submitted to the Planning Secretary and Council for information. The plan must include the following details:
  - (a) the parents of all students must drop-off or pick-up the students only from the existing ICS site at View Street, Chatswood;
  - (b) the buses accessing the site are to be a maximum size 22-seater mini-bus with dimensions of 2080mm x 6990mm;
  - (c) during the drop-off / pick-up times, bus movements are restricted to a maximum **four** buses dropping-off or picking up students at 15-minute intervals, in both morning and afternoon drop-off / pick-up times respectively;
  - (d) the school Principal or other relevant school personnel would arrange bus groupings to ensure that student arrival / departures are distributed evenly across the staggered bus movements;
  - (e) only one mini-bus in association with the drop-off / pick-up would access the public carpark and The Avenue at any one time;
  - (f) the buses must not stop within the public carpark, or The Avenue for any purpose other than drop-off / pick-up zone within the carpark at the location identified in the drawings named SRV-Minibus received by the Department on 6/07/2020;
  - (g) the school principal and school marshal must monitor the public carpark at the drop-off / pick-up times to ensure that any illegal parking / access by parents is managed appropriately; and
  - (h) a school marshal must be employed to ensure the safety of students during the drop-off / pick-up times.

## Development Contributions

- E7. Prior to commencement of construction of the drop-off / pick-up zone or the commencement of operation of the ICS (whichever occurs earlier), a Section 7.12 levy totalling \$1801.05, is to be paid to Council in accordance with Section 7.12 of the EP&A Act and The Willoughby Local Infrastructure Contributions Plan 2019. Prior to payment Council can provide the value of the indexed levy.

## School Zones

- E8. Prior to the commencement of the operation of Stage 1, School Zone signs and pavement marking patches must be installed in accordance with TfNSW requirements.

**Note:** School zones applications are to be submitted to TfNSW at least eight weeks prior to commencement of operation as per Advisory Note AN11.

- E9. The Applicant must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed. Following installation of all School Zone signs and pavement markings, the Applicant must arrange an inspection with TfNSW for formal handover of the assets to TfNSW.

## Bond - TfNSW

- E10. Prior to the commencement of operation of Stage 1, the Applicant must sign / negotiate the necessary deed and provide a bank guarantee to TfNSW, to ensure that the deceleration lane would be constructed in the future.

## Submission of design plans for the deceleration lane

- E11. Prior to the commencement of operation of Stage 1, the Applicant must submit all of the design plans required by condition B2 and B3 (including the removal of redundant driveway crossing, reinstatement of kerb and gutter and the construction of the deceleration lane) to TfNSW.

**Note:** all plans must be lodged through [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

## Work authorisation Deed

- E12. Prior to the commencement of operation of Stage 1, the Applicant must enter into a Works Authorisation Deed (WAD) with TfNSW in relation to the works required by conditions B3 and B4. Appropriate fees and charges (for administration, plan checking, civil works inspection and project management) are to be paid to TfNSW in order to enter into the WAD.

## Car Parking and Service Vehicle Layout

- E13. Prior to the commencement of operation of Stage 1, evidence of compliance of the proposed access and parking arrangements with the following requirements must be submitted to the Certifier and a copy must be submitted to Council for information:
- (a) all vehicles accessing the basement carpark can enter and leave the Site in a forward direction;
  - (b) all vehicles accessing the Site can be wholly contained within the public carpark before stopping; and
  - (c) a minimum of 10 on-site car parking spaces are provided in the under-croft of the existing building on the site for use during operation of the ICS and designed (including manoeuvrability) in accordance with the latest versions of AS 2890.1, AS 2890.2 and AS 2890.6.

## Swept Path of Vehicles

- E14. Prior to the commencement of operation of the drop-off / pick-up zone in The Avenue in association with the vehicular loop road, access from the public carpark and associated works, evidence of compliance of the proposed access and parking arrangements with the following requirements must be submitted to the Certifier and a copy must be submitted to Council for information:
- (a) swept path of the longest vehicle (including garbage trucks and buses) entering and exiting, as well as manoeuvrability through The Avenue and the adjoining public carpark are in accordance with the latest version of AS 2890.2; and

## CONSOLIDATED CONSENT

- (b) all safety design measures catering to the shared vehicles and pedestrian access, are be provided.

### Works within the Public Carpark and The Avenue

- E15. Prior to commencement of operation of Stage 2, all works within Council's public carpark must be completed in accordance with the conditions of this consent, inspected and approved by Council. Evidence of completion of works and approval by Council must be submitted to the Certifier and the Planning Secretary for information.
- E16. Prior to commencement of operation of Stage 2, all works within The Avenue including creation of the drop-off / pick-up zone with five car spaces, associated bollards, wayfinding signs and paving, landscaping must be completed and approved by the Certifier. Any relevant approvals by public authorities (including Council) required for these works must be obtained as evidence provided with the Certifier.

### Emergency Evacuation Plan

- E17. Prior to commencement of the operation of Stage 1, an Emergency Evacuation Plan must be prepared and submitted to the Commander for North shore Local Area Command – NSW Police Force, Chatswood.

### Crime Prevention Through Environmental Design (CPTED)

- E18. Prior to commencement of the operation of Stage 1, a report prepared by a suitably qualified professional must be submitted to the satisfaction of the Certifier detailing appropriate surveillance, clear boundaries and wayfinding signage throughout the Site, including the drop-off / pick-up zone and the public carpark, effective lighting around the Site boundaries as well as the entrance and the restriction of internal entry to the ICS of non-staff and students, in accordance with CPTED principles.

### Internal Noise Levels

- E19. Prior to the commencement of the operation of Stage 1, a suitably qualified acoustic consultant must certify that the internal acoustic treatment measures of the building at 211 Pacific Highway St Leonards, achieves the internal noise criteria of 40dBA, as recommended in Section 5 of *Noise and Vibration Impact Assessment Revision 1*, prepared by Acoustic Logic and dated 26 June 2019. A copy of the certificate must be submitted to the Certifier prior to the commencement of operation.
- E20. If the internal noise criteria for the existing building at 211 Pacific Highway St Leonards does not achieve the criteria specified in condition E19, then additional acoustic measures must be incorporated to the satisfaction of the Certifier and additional certification of compliance with condition E19 obtained from a suitably qualified acoustic consultant.

### Signage

- E21. Prior to the commencement of the operation of the drop-off / pick-up zone within The Avenue, wayfinding signage and signage identifying the location of the drop-off / pick-up zone must be prepared in consultation with and approved by Council. The approved way-finding signage must be installed to the satisfaction of the Certifier.
- E22. Prior to the commencement of the operation of Stage 1, wayfinding signage and signage identifying the location of staff car parking must be provided on the Site. The approved way-finding signage must be installed to the satisfaction of the Certifier.
- E23. The wayfinding signage must incorporate Aboriginal elements (such as visual interpretation and Aboriginal names of the area) in consultation with the Metropolitan Local Aboriginal Land Council, as per the recommendations of *Aboriginal Cultural Heritage Report*, prepared by Coast History and Heritage, dated August 2019.

### Public Access - carparking

- E24. Prior to the commencement of the operation of Stage 2, the Applicant must establish a legally binding public right-of-way (ROW) with Council for:
  - (a) pedestrian and vehicle access to the section of The Avenue in the immediate vicinity of the Site at all times;

## CONSOLIDATED CONSENT

- (b) access to the 10 car spaces in the under-croft of the existing building on the Site by officials or ground staff associated with Gore Hill Park outside school hours (after 6pm) on weekdays and at all times during weekends; and
  - (c) public access to the five car parking spaces in the drop-off / pick-up zone in The Avenue at all times except for the nominated school drop-off / pick-up times during weekdays of the school term.
- E25. Full details of the operation of this arrangement are to be included in the legally binding agreement and submitted to Council for approval. Evidence of the documents as approved by Council are to be provided to the Certifier and the Planning Secretary.
- E26. The legally binding agreement and the establishment of public ROW, safety measures and directional signage, is to be at the cost of the Applicant.

### Use of Gore Hill Park

- E27. Prior to the commencement of operation of Stage 1, the Applicant must provide evidence to the satisfaction of the Certifier that written agreement has been obtained from Council for the students of ICS to access Gore Hill Park for lunch time play on school days as indicated in the *International Chinese School Lunchtime Management Plan Proposed Use of Gore Hill Park*.

### Post-construction Dilapidation Report

- E28. Prior to commencement of operation of Stage 1, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - (b) to be submitted to the Certifier prior to the commencement of operation of Stage 2;  
In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads including (but not limited to) the section of the Cemetery and The Avenue that have been assessed in the pre-construction dilapidation report.
  - (c) to be forwarded to Council for information.

### Protection of Public Infrastructure

- E29. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development;
  - (b) repair any damages to the public carpark or The Avenue; and
  - (c) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### Protection of Property

- E30. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### Works as Executed Plans

- E31. Prior to the commencement of operation of the drop-off / pick-up zone and associated driveways, works-as-executed drawings signed by a registered surveyor demonstrating that the driveways, car parking areas have been constructed as approved, must be submitted to the Certifier.

## CONSOLIDATED CONSENT

- E32. Work-as-executed drawings prepared by a registered surveyor shall be submitted to Council for works within the public carpark, a Completion Certificate obtained and submitted to the Certifier for information.

### Green Travel Plan

- E33. Prior to the student numbers exceeding **88**, a final Green Travel Plan (GTP), must be submitted to the satisfaction of the Certifier and a copy submitted to Council for information, to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with TfNSW;
  - (b) include operational hours including OOSH and provide number of trips made during these periods;
  - (c) confirm staging of student enrolments;
  - (d) identify school enrolment catchment and proportion students reside within walking and cycling distance;
  - (e) confirm number of students eligible for School Student Transport scheme;
  - (f) include a Travel Access Guide to provide materials that are easily understood by students;
  - (g) details of access provisions for students with special needs;
  - (h) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (i) include specific tools and actions to help achieve the objectives and mode share targets;
  - (j) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (k) include details regarding the methodology and monitoring / review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

### Operational Management Plan

- E34. Prior to the commencement of operation of Stage 1, the Applicant must prepare an Operational Management Plan (OMP) in consultation with Council for the ICS. The plan must include:
- (a) details confirming that the core operating hours of the ICS are 8.30am to 3:30pm, Monday to Friday;
  - (b) details of interim drop-off / pick-up arrangements as required by condition E6;
  - (c) details of drop-off / pick-up within The Avenue (when delivered and operational) in Stage 2;
  - (d) details confirming the operating hours of the OOSH are 7am to 8:45am and 3pm to 6pm, Monday to Friday;
  - (e) details of the staggered the start/finish times for a typical school day, being:
    - (i) Year K – 1: 8:45am – 2:45pm;
    - (ii) Year 2 – 4: 9am to 3pm; and
    - (iii) Year 5 – 6: 8:30am to 3:15pm.
  - (f) a 'Recess Management Sub-Plan' with details of the use of the space to be used by students at recess from 1:50pm to 2:10pm on school days, and management measures to ensure student comfort and safety during use of this space;
  - (g) details confirming that the Site would not be used for the purpose of a school or for other community uses on the weekends and public holidays, to ensure no additional impact on the surrounding traffic network;
  - (h) details confirming that the open space on the southeast side of the building adjacent to the Pacific Highway would not be used by students;

## CONSOLIDATED CONSENT

- (i) details confirming the use of the alternate landscaped area adjoining the Avenue by the students during recess times on a typical school day;
  - (j) management strategies of the drop-off / pick-up zone in The Avenue;
  - (k) management strategies to identify loading and unloading zones as agreed with Council;
  - (l) management strategies to separate of school activities and the Cemetery and adjacent Gore Hill Park;
  - (m) details of use of the Gore Hill Park by the students on school days during school term, consistent with the *International Chinese School Lunchtime Management Plan Proposed Use of Gore Hill Park*;
  - (n) measures to ensure all way-finding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness
  - (o) measures to manage the use and access to recreation areas, including any staggered play times for the Years and age groups with details of the program of use;
  - (p) measures to manage the use and access to the off-site Council owned Gore Hill Park by the students of ICS;
  - (q) details of times when the waste collection vehicles would access the site so that there is no conflict with the peak drop-off / pick-up times for ICS (both AM and PM);
  - (r) include an Emergency Management Plan that details all measures and procedures to ensure the safety of all on-site occupants in the event of any emergency including evacuation measures;
  - (s) include measures to manage operational noise impacts, particularly from outdoor playground and recreational areas, to ensure the use of the development does not result in exceedances of the project noise trigger levels in accordance with the report titled in the *Noise and Vibration Impact Assessment*, Revision 1, prepared by Acoustic Logic and dated 26 June 2019;
  - (t) details confirming the ability of Gore Hill Park staff and officials to access the on-site under-croft basement parking area outside of school hours and the relevant security measures to ensure security of the premises;
  - (u) details regarding the public access to the five drop-off / pick-up spaces on The Avenue, at all times (outside peak school drop-off and pick-up times) and the relevant security measures to ensure safety of the Site and the students / staff; and
  - (v) copy of the Emergency Evacuation Plan (when approved by NSW Police Force and made available after occupation); and
- E35. The OMP must be submitted to the Certifier for approval and a copy submitted to Council after approval. The OMP must be updated prior to:
- (a) Completion of the drop-off / pick-up zone within The Avenue; and
  - (b) Prior to increase in student numbers beyond **88**.

### Operational Transport and Access Management Plan (OTAMP)

- E36. Prior to the commencement of operation of Stage 2, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council and TfNSW, and submitted to the satisfaction of the Certifier. The OTAMP must be updated following construction of the deceleration lane and submitted to the Certifier for information. The OTAMP must address the following:
- (a) detailed pedestrian analysis, including the identification of safe route options for students accessing the Site;
  - (b) the location of and access to all car parking spaces and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures of the drop-off / pick-up zone located within The Avenue (when delivered and operational), including access procedures and staff management / traffic controller arrangements (where required), generally in accordance with the recommendations contained in the *Updated Parking and*

## CONSOLIDATED CONSENT

*Traffic Assessment and Statement of Operations* prepared by Stanbury Traffic Planning dated April 2020;

- (d) the location and operational management procedures for excursions and sporting activities, including staff management / traffic controller arrangements;
- (e) details of a private school bus service, including bus routes and service times;
- (f) details of parking arrangements for the drop-off / pick-up of children attending the OOSH;
- (g) delivery and service vehicle and bus access and management arrangements;
- (h) management of approved access arrangements to and from the Site;
- (i) measures to mitigate queuing impacts associated with vehicles accessing the drop-off / pick-up zone;
- (j) management of access to the under-croft car parking area by the coaches, officials of sporting clubs and other relevant officials / staff using Gore Hill Park, outside school hours on the weekdays and the weekends; and
- (k) a monitoring and review program to measure the efficiency of the proposed traffic management measures.

### Loading and unloading

E37. The Applicant must provide a management plan identifying location, frequency and timing of access for delivery vehicles to the Site and the associated loading and unloading facilities. The plan must be approved by Council prior to the commencement of operation and details included in the OMP for the ICS.

### Operational Noise – Design of Mechanical Plant and Equipment

E38. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Noise and Vibration Impact Assessment*, Revision 1, prepared by Acoustic Logic and dated 26 June 2019 have been incorporated (where relevant) to ensure the use of the Site not exceed the recommended operational noise levels identified in the noise assessment.

### Road Damage

E39. Prior to the commencement of operation of Stage 2, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### Fire Safety Certification

E40. Prior to commencement of operation of Stage 1, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### Outdoor Lighting

E41. Prior to the commencement of operation of Stage 1 and subsequent stages requiring outdoor light installation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier (for each relevant stage) that demonstrates that installed outdoor lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Operational Waste Management Plan

E42. Prior to the commencement of operation of Stage 1, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:

## CONSOLIDATED CONSENT

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in the Waste Management Plan provided at Appendix Q of the EIS; and
- (e) details of timing of waste management vehicle access to the site so that there is no conflict with the AM and PM peak drop-off / pick-up times of the ICS.

### Certification by Project Arborist

- E43. At the completion of the driveway and excavation works (in relation to the drop-off / pick-up zone and vehicular loop road), the Project Arborist must certify that:
- (a) all of the tree protection measures have been retained throughout the construction;
  - (b) no tree, required to be retained by this development consent, has been damaged; and
  - (c) all tree protection measures have been uninstalled and the areas reinstated, following completion of the works.

### Landscaping

- E44. Prior to the commencement of operation of Stage 1, all landscaping works within the Site including delineation of play areas, associated works and paving must be completed.
- E45. The proposed landscaping works within the site must incorporate native vegetation in accordance with the recommendations of the Metropolitan Local Aboriginal Land Council.
- E46. The Applicant must prepare an Operational Landscape Management Plan within 3 months of commencement of operation, to include details of maintenance and management measures for revegetated and landscaped areas of the site approved by this development consent. The Operational Landscape Management Plan must be submitted to the Certifier for information.

### Accessibility requirements

- E47. Prior to the commencement of operation of Stage 1, a suitably qualified Access Consultant must certify that the existing building, the pedestrian ramp within the site, stairs from the Pacific Highway and the landscaped areas of the site complies with the recommendations in the *Disability Access Report* prepared by Lindsay Perry Access dated 21 May 2019.

# CONSOLIDATED CONSENT

## PART F POST OCCUPATION

### The Interim drop-off / pick-up zone

- F1. This drop-off / pick-up management plan would be implemented for the first six months of the operation of the school until the drop-off / pick-up zone at The Avenue and all works within the public carpark are delivered.

### Completion of roadworks /deceleration lane and dedication of land

- F2. Prior to the student numbers exceeding **88**, the following evidence must be submitted to the satisfaction of the Certifier and a copy submitted to Council for information:
- (a) all roadworks including removal of the driveway, reinstatement of kerb and gutter, construction of the deceleration lane, construction of realigned pedestrian pathway and pedestrian fence have been completed;
  - (b) associated infrastructure upgrades (including relevant stormwater works) have been completed;
  - (c) signage and line-marking has been completed;
  - (d) relevant agency approvals have been obtained;
  - (e) matters in relation to dedication of the deceleration lane to TfNSW have been completed; and
  - (f) relevant boundary adjustment is completed and registered.

### Operating hours

- F3. The operating hours of the premises are restricted to the following:
- (a) school: 8:30am to 3:30pm, Monday to Friday;
  - (b) OOSH: 7am to 8:45am and 3m to 6pm, Monday to Friday; and
  - (c) No on-Site operation on Saturdays, Sundays and Public Holidays.

### Operation of Plant and Equipment

- F4. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.
- F5. No external speakers for public address system and bells are permitted to be used on the site.

### Gore Hill Park

- F6. The use of Gore Hill Park by ICS must be in accordance with any existing or future agreement between the ICS and Council as required by condition E27, signed prior to the commencement of operation of ICS. The agreement must operate for the life of the ICS.
- F7. The Gore Hill Park is to be used by ICS on the weekdays of school term in between 11:15am and 11:50am in accordance with the management strategies identified in the *International Chinese School Lunchtime Management Plan Proposed Use of Gore Hill Park* submitted as part of this application, to minimise conflicts with other users.

### Non-school Activities

- F8. The Site must not be used for any non-school or community uses.

### Community Communication Strategy

- F9. The Community Communication Strategy required by this development consent must be implemented for a minimum of 12 months following the completion of construction of the deceleration lane.

### Damage to existing building

- F10. Within six weeks of commencement of operation, a suitably qualified structural engineer must confirm that the existing building at 211 Pacific Highway St Leonards has not been damaged due to the construction works on the Site pertaining to this development consent.

## CONSOLIDATED CONSENT

### Operational Noise Limits

- F11. The noise generated by operation of the ICS and the OOSH must not exceed the noise limits in *Noise and Vibration Impact Assessment*, Revision 1, prepared by *Acoustic Logic*, dated 26 June 2019.

### Pedestrian Access

- F12. There must be no pedestrian access between the Site and the Pacific Highway footway, unless specified in the Emergency and Evacuation Plan.

### Unobstructed Driveways and Parking Areas

- F13. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### Green Travel Plan

- F14. The Green Travel Plan required by condition E33 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### Operational Management Plan

- F15. The OMP required by condition E34 of this consent must be updated from time to time and be implemented for the life of the development.

### Operational Transport and Access Management Plan (OTAMP)

- F16. The OTAMP required by condition E36 of this consent must be updated from time to time and be implemented for the life of the development.

### Emergency Evacuation Plan

- F17. Evidence of approval of the evacuation plan by the NSW Police Force must be submitted to the Certifier for information within two months of commencement of operation.

## APPENDIX 1 ADVISORY NOTES

### General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### Road Occupancy Licence

AN7. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows along the Pacific Highway during construction activities.

### SafeWork Requirements

AN8. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### Hoarding Requirements

AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN10. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### Speed limit authorisation

AN11. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the Conditions of Consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
  - (i) accurate Site boundaries;

- (ii) details of all road reserves, adjacent to the Site boundaries;
- (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
- (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
- (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
- (vi) all existing and proposed street furniture and street trees.

#### **Fire Safety Certificate**

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.